

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOC NO
REC'D/FILED

2015 JAN 30 PM 4:44

PETER OFFICER
CLERK US DIST COURT
WD OF WI

UNITED STATES OF AMERICA

v.

Case No. 15-mj-10

MATTHEW R. PHILLIPS,

Defendant.

COMPLAINT FOR VIOLATION OF
TITLE 18, UNITED STATES CODE, SECTION 2251(a)

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

On or about October 14, 2014, at approximately 10:20 p.m., in the Western
District of Wisconsin, the defendant,

MATTHEW R. PHILLIPS,

knowingly and intentionally used and persuaded Known Victim #1 (KV #1), a twelve-year old minor female, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means or facility of interstate commerce, specifically, a visual depiction of the lascivious exhibition of the genitals of KV #1 transmitted via text message using a cellular telephone.

(In violation of Title 18, United States Code, Section 2251(a)).



BRUCE P. BUHR, JR, Special Agent
Federal Bureau of Investigation

Sworn to before me this 30th day of January, 2015.



HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOC NO
REC'D/FILED

2015 JAN 30 PM 4:44

PETER OPPENHEER
CLERK US DIST COURT
WD OF WI

UNITED STATES OF AMERICA

v.

Case No. 15-mj-10

MATTHEW R. PHILLIPS,

Defendant.

AFFIDAVIT

STATE OF WISCONSIN)

) ss.

DANE COUNTY)

BRUCE P. BUHR, JR., being first duly sworn on oath, deposes and states as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been an FBI Agent for 17 years. I am assigned to the FBI's Chicago Division, Rockford Resident agency. As part of my duties as an FBI SA, I investigate violations relating to child exploitation and child pornography, including the production, receipt, distribution, and possession of child pornography, in violation of Title 18, United States Code, Section 2251 and 2252.

2. The purpose of this affidavit is to establish probable cause for the issuance of a federal criminal complaint charging MATTHEW R. PHILLIPS with a violation of Title 18, United States Code, Section 2251(a).

3. The following information is based on a joint investigation conducted by the FBI Offices in Chicago and Milwaukee. Some of the details of the investigation were

conveyed to me by Special Agent Jason Pleming and Detective Kiza Butler, Rockton, Illinois Police Department, whom I believe to be reliable because they are fellow law enforcement officers gathering information during the course of their official duties. Other information contained in this affidavit was obtained through administrative subpoenas issued by the FBI and subpoenas issued by the State of Illinois. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that a violation of Title 18, United States Code, Sections 2251(a) has occurred.

4. On December 11, 2014, FBI Special Agent Wayne E. Jackowski and I met with Rockton, Illinois Police Department Detective Kiza Butler. During the meeting, Detective Butler advised us she was investigating a case involving a twelve year old, Known Victim # 1 (KV #1), who had sent nude photographs of herself to someone after being enticed to do so.

5. Detective Butler was contacted by KV #1's mother on October 16, 2014. The mother advised Butler that she had viewed chat communications that KV #1 was having using the website or chatroom Instabang.com (also known as Fling.com), and that the chats were sexual in nature. Butler determined the person KV #1 was chatting with on Instabang was utilizing the Instabang user ID 2045638.

6. Butler received records from Instabang for the user ID 2045638, which included the chats with KV #1. The records reflect user ID 2045638 began communicating with KV #1 on August 12, 2014, shortly after KV #1 created a profile on Instabang. A summary of a portion of those chats from August 12, 2014 is as follows:

a. User 2045638 asked KV #1 if she was looking for something naughty and whether she was really eighteen. KV #1 responded she was "Around 18." User 2045638 responded by saying that was a good answer.

b. User 2045638 asked whether KV #1 was experienced sexually. User 2045638 asks about KV #1's age and how much younger than eighteen she was. KV #1 responded that she was fifteen and a half. User 2045638 responded that was young and that user 2045638 liked that.

c. User 2045638 wrote that User 2045638 wished KV #1 had more pictures and that User 2045638 would love to see KV #1's body. User 2045638 asked KV #1 to take a quick picture of "whatever you want" and send it to User 2045638 at the e-mail address aradon78@yahoo.com.

d. User 2045638 asked KV #1 to send User 2045638 a naked picture of herself. Shortly thereafter, User 2045638 said there was no way it was her because it was too sexy.

e. User 2045638 asked KV #1 if she was younger than fifteen. KV #1 replied, "if I'm a little younger than 15 would that be bad?" User 2045638 replied, "with a body like that, I don't think so." KV #1 told user 2045638 she was twelve. User 2045638 asked KV #1 to send more pictures because he was turned on. User 2045638 asked KV #1, "would you take a picture of your pussy too?"

7. During a chat on August 12, 2014, User 2045638 instructed KV #1 to create an e-mail address that no one else knew about and to use that e-mail address for further communication. Based on this request from user 2045638, KV #1 created a new e-mail address. This appears to be the last time the two communicated over Instabang.

8. The records Detective Butler received from Instabang showed the user ID 2045638 had an associated "display name" of Aradon78, and was registered to Matt Phillips in Wisconsin.

9. I reviewed emails between KV #1 and the e-mail address aradon78@yahoo.com. On October 14, 2014, at approximately 9:30 p.m. KV #1 wrote, "I've been good you know I'm lying here naked for you." At approximately 9:49 p.m., aradon78@yahoo.com responded, "Prove it. ;)" A short time later, aradon78@yahoo.com wrote, "Amazing! So when are we going to meet? ;) I've been looking forward to it for way too long!" "It turns me on so much when you send naughty pics....I'm at work trying to hide my hard cock" At approximately 10:25 p.m. aradon78@yahoo.com wrote, "Wow I just saw that last pic....you naughty girl....you're turning me on way too much. ;)"

10. Agent Fleming performed a forensic examination of KV #1's phone and saw that on October 14, 2014, KV#1 sent three text messages to aradon78@yahoo.com. The first image, sent at 9:46 p.m. showed a minor female on blue sheets. She is topless and her breasts and face are visible. The second image, sent at 10:20 p.m. shows a close-up picture of her vagina with her hands spreading it apart. The same blue sheets are seen. The third picture, sent at approximately 10:30 p.m. shows a close up picture of her breast.

11. I reviewed a Rockton Police Department report dated October 16, 2014. In the report, KV #1's father advised he found three images on KV #1's iPhone. The father's description of those three files matches the description of the images I found in

my forensic analysis. The father confirmed that the female depicted in the images above was his juvenile daughter, KV #1.

12. Detective Butler subpoenaed and received records from Yahoo! for the e-mail address aradon78@yahoo.com. The records showed that e-mail address was created by "Mr. M P" in 2009. According the Yahoo! records, the most common IP address used to access the e-mail account is 71.82.228.21, which according to Charter Communications, is registered to Matt Phillips at 4410 Woodgate Drive in Janesville, Wisconsin.


13. Detective Butler issued a subpoena to Charter requesting records related to the IP address 71.82.228.21. The Charter records showed that IP address 71.82.228.21 was registered to Matt Phillips at 4410 Woodgate Drive, Janesville, Wisconsin from at least August 3, 2014 through at least December 13, 2014.

14. FBI agents drove by 4410 Woodgate Drive in Janesville this week and determined that a vehicle at the residence was registered to Matt Phillips.

15. On January 30, 2015, FBI Special Agent Wayne Jackowski and other law enforcement officers interviewed Phillips at the Janesville Police Department. According to Agent Jackowski, Phillips stated, among other things, that he received texts of nude photographs of a girl -- including photos of her breast, her buttocks, and her vagina -- and that he knew at the time that the girl depicted in the photos was twelve years old.

This complaint is based on the attached affidavit of FBI Special Agent Bruce B.

Buhr, Jr.



BRUCE P. BUHR, JR., Special Agent
Federal Bureau of Investigation

Sworn to before me this 30th day of January, 2015.



HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge